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ATTORNEYS FOR ALL PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JANE ROE, an individual; MARY ROE, an individual; SUSAN ROE, an individual; JOHN ROE, an individual; BARBARA ROE, an individual; PHOENIX HOTEL SF, LLC, a California limited liability company; FUNKY FUN, LLC, a California limited liability company; and 2930 EL CAMINO, LLC, a California limited liability company.

Case No. 3:24-cv-01562-DMR

**PLAINTIFF'S APPLICATION FOR  
AN ORDER GRANTING  
PERMISSION TO USE THE  
PSEUDONYM "JOHN ROE" IN  
PUBLICLY FILED PLEADINGS**

## Plaintiffs

V

CITY AND COUNTY OF SAN  
FRANCISCO, a California public entity.

## Defendants

1 Plaintiff submits this application with his Complaint and applies for an order  
 2 granting him permission is use the pseudonym "JOHN ROE" in all publicly filed  
 3 pleadings on the ground that this is needed to protect his safety.

4 Plaintiff complains of and seeks redress to stop the gang-related drug dealing  
 5 and related criminal activities that happen around his home in the Tenderloin  
 6 district of San Francisco. Public disclosure of his name could expose him to physical  
 7 retaliation by those involved in the illegal narcotics trade. Plaintiff agrees that his  
 8 name and relevant information can be disclosed to defendant City and County of San  
 9 Francisco, subject to an appropriate protective order.

10 A party may preserve his or her anonymity in judicial proceedings in special  
 11 circumstances when the party's need for anonymity outweighs prejudice to the  
 12 opposing party and the public's interest in knowing the party's identity. (*Does I thru*  
*XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000).) Federal courts  
 14 have allowed plaintiffs to use pseudonyms for various reasons, including when  
 15 "identification creates a risk of retaliatory physical or mental harm." (*Id.*) When a  
 16 pseudonym is sought to shield a party from retaliation, courts evaluate (1) the  
 17 severity of the harm, (2) the reasonableness of the anonymous party's fears, and (3)  
 18 the anonymous party's vulnerability to such retaliation. (*Ibid.*)

19 In this case, plaintiff alleges that his neighborhood has been treated as a  
 20 "containment zone" for illegal narcotics activities, including drug sales made by gang  
 21 members who resort to violence, including murder, to protect their markets. He seeks  
 22 injunctive relief that would curb or stop these illegal activities. Plaintiff must pass by  
 23 drug dealers, gang members and drug users when coming to or leaving his home.  
 24 Thus, the public identification of plaintiff, e.g., revealing his name or precise address  
 25 in court filings, would put him at risk of being hurt or killed in retaliation by persons  
 26 involved in the illegal narcotics trade in the Tenderloin. Plaintiff's fears in this  
 27 regard are reasonable. Finally, plaintiff lives in the neighborhood and is thus  
 28 vulnerable to such retaliation.

1       The public's interest in knowing plaintiff's name is low. Any prejudice to  
2 defendant City and County of San Francisco is eliminated by an appropriate  
3 protective order that will allow the plaintiff to reveal and disclose his true name and  
4 other identifying information, facts, and documents.

5       Thus, good cause exists for the Court to grant this application.

6       Respectfully submitted.

7  
8 Dated: March 13, 2024

WALKUP, MELODIA, KELLY & SCHOENBERGER

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10      By: /S/ Matthew D. Davis  
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